

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DATABIT INC.,

Plaintiff,

- against -

Case No. 08cv1229
(MGC)(AJP)

**ORDER TO SHOW CAUSE
WITH TEMPORARY
RESTRAINING ORDER**

MORDECHAI HANINOVICH, OSI KAMINER,
JOHN DOE #1, JOHN DOE #2 and JOHN DOE #3,

Defendants.
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UPON the annexed Summons and Verified Complaint, verified on February 3, 2008; the Affidavit of Shlomie Morgenstern, affirmed on February 12, 2008; the Affidavit of Neil Fogel, affirmed on February 12, 2008; the Affidavits of Rami Zilberschmidt and Gilbert Gehler, each affirmed on February 1, 2008; the Affirmation of Paul Savad, Esq., dated February 12, 2008; the exhibits submitted herewith; and upon the Memorandum of Law, dated February 12, 2008; it is hereby

ORDERED that the above-named defendants show cause before this Court, Courtroom 14A, United States Courthouse, 500 Pearl Street, New York, NY, on February , 2008, at o'clock in the [forenoon] [afternoon] thereof, or as soon thereafter as counsel may be heard, why an order should not be issued granting the following relief, on the grounds that without such relief, the plaintiff may suffer immediate and irreparable injury from misappropriation of plaintiff's trade secrets:

(1) Enjoining the defendants Modi Haninovich, Osi Kaminer, and any entity or individual participating with one or either of them, including John Doe numbers 1, 2 and

3, from providing any consultation, sales or technical services related to the approximately 10,000-station computer system with desktops, laptops, servers and printers, which system was designed, and/or sold and/or serviced by DataBit for Montefiore Medical Center, located in Bronx, New York, and affiliated locations; and

(2) Ordering defendants Modi Haninovich, Osi Kaminer and their attorneys to identify to the Court and to the plaintiff's attorneys, within 24 hours of service of this order with supporting papers, the names and addresses of all entities and/or individuals with whom they are or intend to be affiliated to service the Montefiore Medical Center account; and

(3) Granting such other and further relief as the Court deems just and proper; and it is further

ORDERED, pursuant to Rule 65 Fed. R. Civ. P., that pending a hearing and determination of the application for an preliminary injunction, the defendants Modi Haninovich, Osi Kaminer, and any entity or individual participating with either or both of them, including John Doe numbers 1, 2 and 3, are hereby enjoined from providing any consultation, sales or technical services related to the approximately 10,000-station computer system with desktops, laptops, servers and printers, which system was designed, and/or sold and/or serviced by DataBit at and for Montefiore Medical Center, located in Bronx, New York, and affiliated locations; and it is further

ORDERED that defendants Modi Haninovich, Osi Kaminer and their attorneys are directed to identify to the Court and to the plaintiff's attorneys, within 24 hours of service of this order with supporting papers, the names and addresses of all entities

and/or individuals with whom either or both of them are or intend to be affiliated to service the Montefiore Medical Center account; and it is further

ORDERED that service of a copy of this Order, along with the papers upon which this Order is based, shall be served upon the defendants on or before February , 2008, as follows:

(1) on Modi Haninovich, by UPS overnight delivery service on his attorney, Steven M. Kaplan, Esq., Kaplan & Levenson, P.C., 630 Third Avenue, 5th Floor, New York, New York 10017;

(2) on Osi Kaminer, by UPS overnight delivery service on her attorney at his/her office, or in the event that no attorney represents her, then by UPS overnight delivery service at her residence, 57 Park Terrace East, Apt. B36, New York, New York 10034;

(3) on John Doe numbers 1, 2 and/or 3, by personal service in the same manner as a summons, along with service of the summons and complaint in this action.

J.S.C.